



Investigation and Enforcement Division

2016 Annual Report

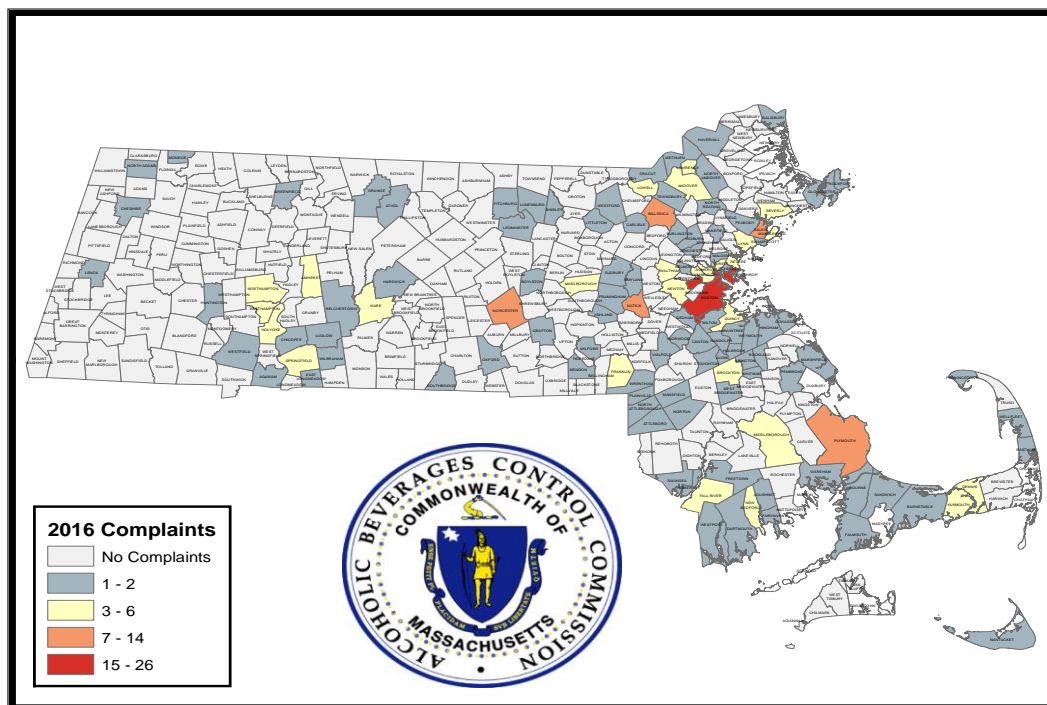
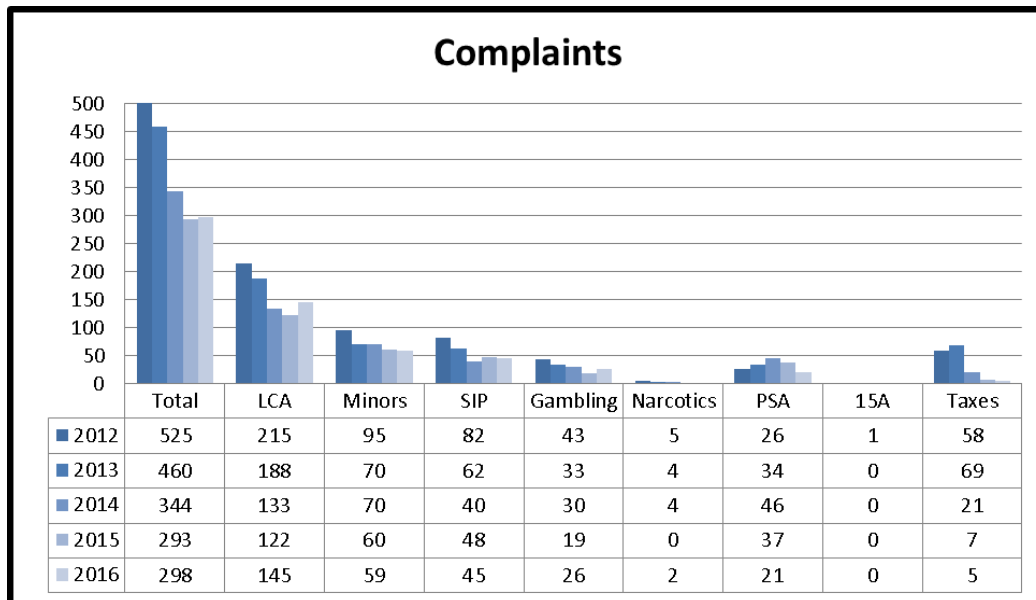
Special Investigators of the Investigation and Enforcement Division are appointed by the Commission pursuant to Massachusetts General Laws Chapter 10 §72. Accordingly, Investigators are authorized and directed, pursuant to Massachusetts General Laws Chapter 138 §56, to make all needful and appropriate investigations to enforce the Liquor Control Act.

Pursuant to this statutory mandate the Enforcement Division has established the following objectives: 1) To prevent the sale or delivery of alcoholic beverages to underage individuals; 2) To prevent the sale or delivery of alcoholic beverages to intoxicated individuals and potential impaired drivers; 3) To prevent the sale of alcoholic beverages that are illegally imported or purchased from an illegal source and to prevent the tampering or dilution of alcoholic beverages; 4) To prevent illegal gambling on licensed premises; 5) To prevent the sale, delivery or use of illegal narcotics on licensed premises; 6) To prevent unlawful ownership of licensed establishments by individuals or criminal organizations; and 7) To provide suppliers, wholesalers and retailers of the alcoholic beverage industry with a fair and even playing field to conduct their licensed business.

Reports on arrest data have established that seventy five to eighty percent of violent crimes, such as assaults and domestic violence, are alcohol related. It is the overall goal of this Division to impact public safety and the quality of life in our communities through effective alcohol enforcement strategies to reduce alcohol related crimes and traffic crashes. This Division has established effective enforcement programs, often working in cooperation with municipal and state police departments, to address alcohol related problems in communities throughout the commonwealth. These programs have received the following national recognition for their innovation and effectiveness: National Liquor Law Enforcement Association Meritorious Service Award for enforcement efforts in Lawrence Massachusetts; National Liquor Law Enforcement Association Enforcement Agency of the Year Award; National Conference of State Liquor Administrators "Innovations in Health and Safety" Award; President's Award from the National Chapter of Mothers Against Drunk Driving; Recognized as a National Success Story by the United States Justice Department; National Liquor Law Enforcement Association Agent of the Year.

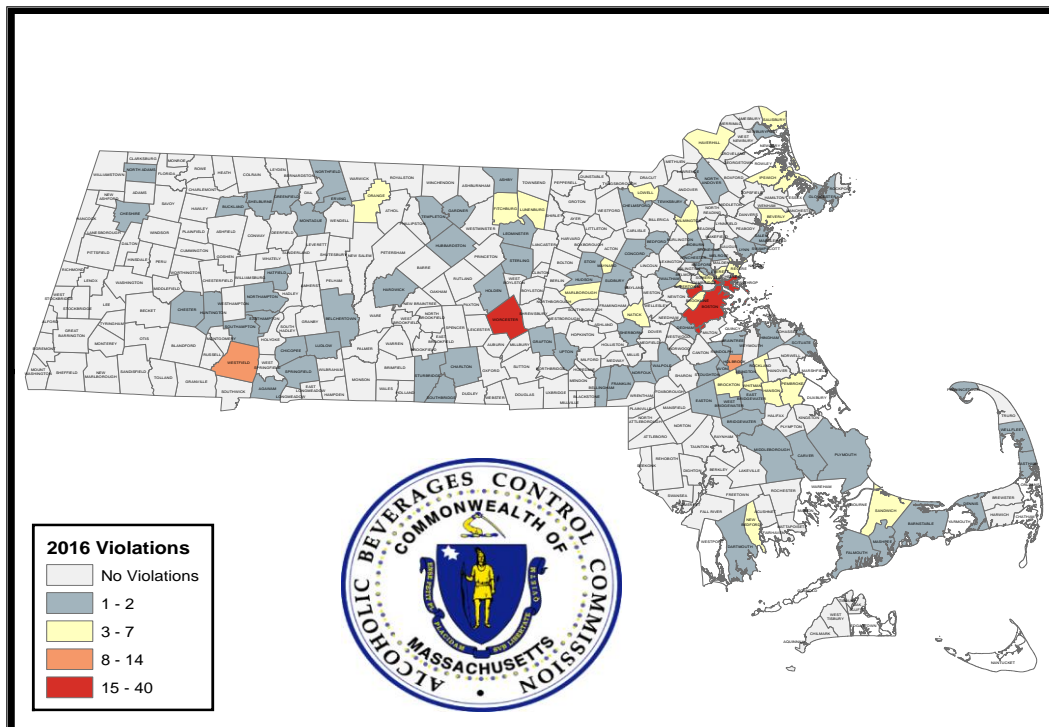
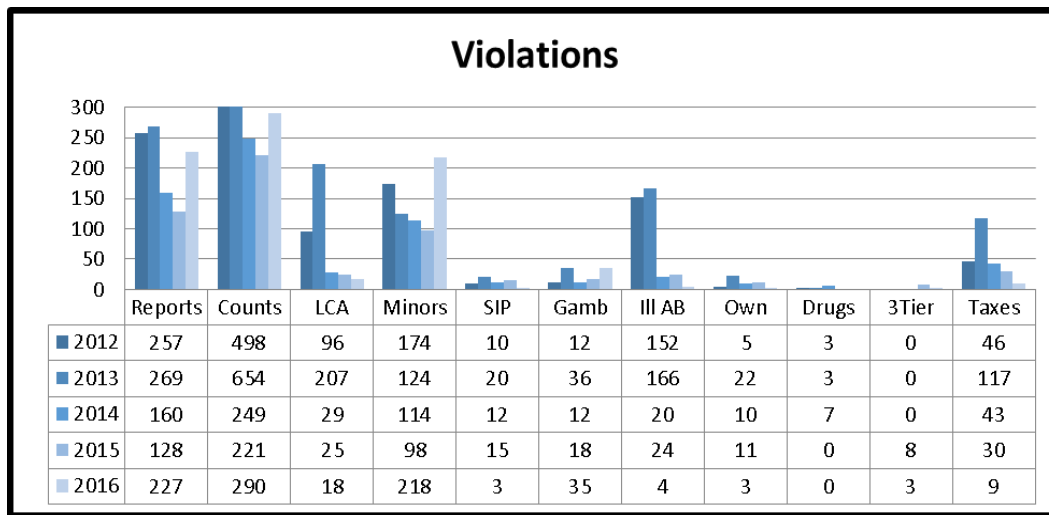
Complaints

In 2016, 298 complaints filed with the Commission were investigated and closed. The Enforcement Division receives complaints from the general public, municipal and state police, state agencies, as well as various public interest groups. These complaints include, but are not limited to underage drinking, sale of alcohol to intoxicated individuals, illegal gambling activity, illegal alcoholic beverages and illegal narcotics activity.



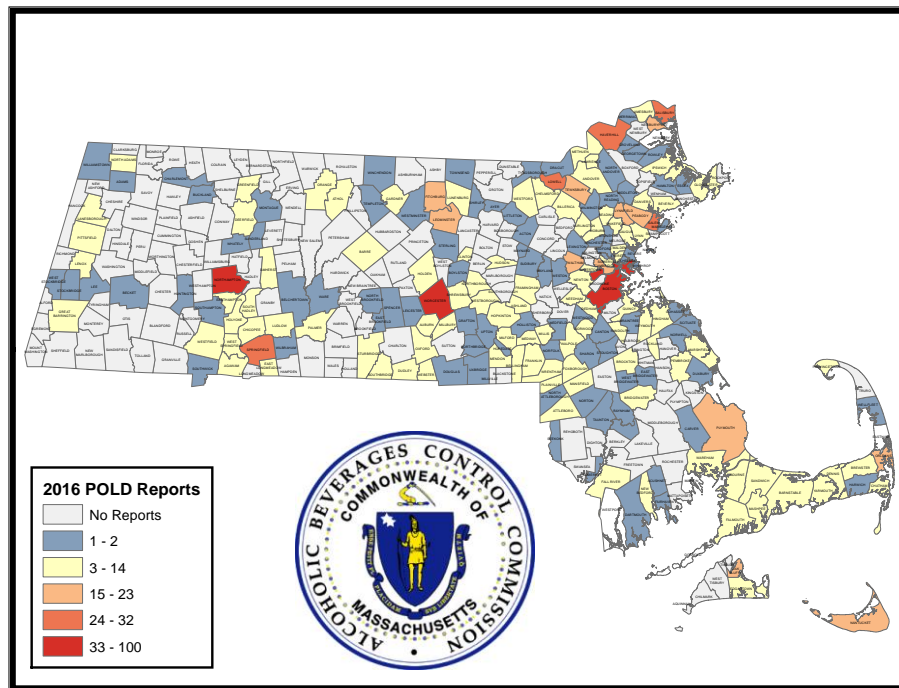
Liquor Control Act Violations

In 2016 the Enforcement Division conducted operations in over 200 municipalities throughout the commonwealth. Investigators observed approximately 290 violations of the Liquor Control Act and filed 227 reports with the Commission for prosecution. These violations ranged from sale of alcohol to underage individuals, sale of alcohol to intoxicated individuals, illegal gambling, illegal alcoholic beverages, illegal narcotics activity, criminal ownership of licensed premises, and unlawful trade practices.



Data Driven Impaired Driving Prevention

Place of Last Drink (POLD) reports are filed with the Commission pursuant to Massachusetts General Laws Chapter 90 §24J, which requires that “In every case of a conviction of or a plea of guilty to a violation of operating a motor vehicle under the influence of intoxicating liquor, *the court shall inquire of the defendant, before sentencing, regarding whether he was served alcohol prior to his violation of said section at an establishment licensed to serve alcohol on the premises and the name and location of said establishment. Any information so acquired by the court shall be transmitted to the alcohol beverage control commission*”. In 2016 there were approximately 1400 OUI reports filed with the Commission.



In order to optimize resources, the Enforcement Division utilizes this data to determine the bars that have been identified in the highest number of 24J reports and thus pose a greater risk to public safety. In addition to this data, Investigators work with municipal police departments to identify bars that are problematic for the municipality as a result of the sale of alcoholic beverages to intoxicated individuals. If a bar is found to serve alcohol to an intoxicated individual, Investigators charge the bar with MGL Chapter 138 §69 and arrange for safe transportation or protective custody for the individual. Division data indicates that this enforcement results in a dramatic reduction in the number of OUI arrests associated with the bars that are subject to this enforcement.

The National Transportation Safety Board (NTSB) held hearings in 2012, where Chief Frederick Mahony presented information on the above mentioned enforcement program and provided data from Massachusetts demonstrating that the use of POLD data to guide enforcement efforts led to a reduction in driving under the influence arrests associated with establishments that were targeted for intervention. As a result of this testimony, the NTSB stated in their Safety Recommendation to the National Highway Traffic Safety Administration (NHTSA), “An essential part of any arrest or accident investigation involving an alcohol-impaired driver should include an assertive effort by law enforcement officers to determine the location where the impaired driver had been served alcohol. This information is useful to state alcohol law enforcement authorities conducting enforcement actions to deter future violations.”

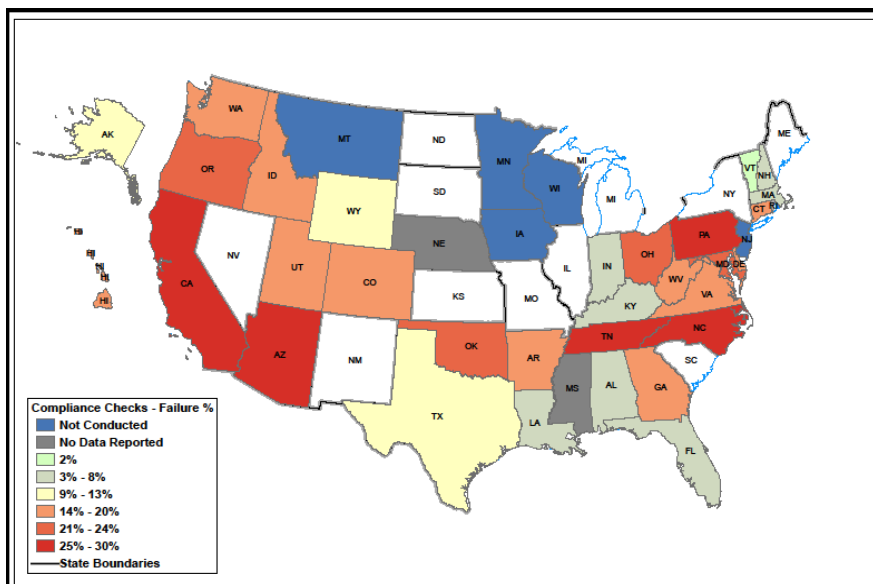
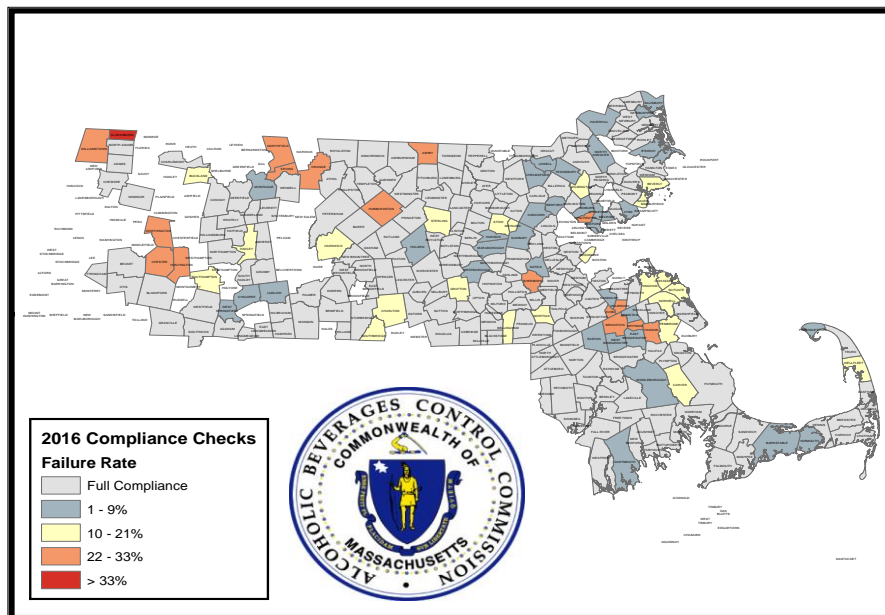
Minimum Purchase Age Compliance Checks

The objective of this operation is to prevent the sale of alcoholic beverages to underage individuals by licensed establishments throughout the Commonwealth and to increase their vigilance in the checking of identification.

Since 2008, when the Enforcement Division enhanced the compliance check program, it has conducted compliance checks at 19030 licensed establishments, of which 885 failed (5%). This program has resulted in a 50% decrease in the failure rate since the program began in 2001, with an average success rate of 95%. This places Massachusetts in front of the national average success rate of 84%.

In 2016, the Division conducted Compliance Checks in 264 municipalities in the commonwealth. There were 3177 licensed establishments checked, of which 114 failed (4%). There were 1318 off-premise licensees checked, of which 75 failed (6%); and 1859 on-premise licensees checked, of which 38 failed (2%).

It should be noted that in 2016 there was a significant rise in the failure rate at off-premises retail outlets, compared to recent years. This trend is particularly troubling, as it has been reported from municipal police departments that they are seeing a rise in underage drinking issues in their communities. The ABCC is reviewing the best strategy to address this problem, over and above the compliance check enforcement program.



National Liquor Law Enforcement Association
2011 Enforcement Data

Enhanced Liquor Enforcement Programs

Massachusetts has the 5th lowest ratio of enforcement agents to licensees in the country. Accordingly, the Division has developed Enhanced Liquor Enforcement Programs that are scheduled to address specific geographic and seasonal challenges relating to underage drinking and impaired driving. The primary objective is to prevent the procurement of alcoholic beverages by and for underage individuals as well the sale or delivery of alcoholic beverages to intoxicated individuals and potential impaired drivers.

Operation Safe Campus is conducted at bars and liquor stores in college communities over a 6-week period at the beginning of each school year. Operation Safe Prom and Graduation is conducted at liquor stores throughout the commonwealth over an 8-week period during May and June. Operation Safe Summer is conducted at bars and liquor stores in summer communities over a 6-week period during July and August. Operations Safe Holidays is conducted at bars throughout the commonwealth from Thanksgiving through December 31st.

To encourage family involvement and intervention in addressing the problem of underage drinking, the Division has implemented a parent notification program to inform parents, at the time of the incident, of the situation in which their child is involved. Investigators have found this intervention to be very effective.

In 2016 these programs produced the following results: 1027 minors in possession or transporting alcoholic beverages; 223 adults procuring alcohol for minors; 118 individuals in possession of false identification; and 399 cases of beer and 469 bottles of alcohol were confiscated by Investigators, preventing delivery to approximately 6286 underage individuals.

Since 2005 these programs have resulted in the following cumulative results: 7796 minors in possession or transporting alcoholic beverages; 3006 adults procuring alcohol for minors; 767 individuals in possession of false identification; and 3987 cases of beer and 3177 bottles of alcohol were confiscated by Investigators, preventing delivery to approximately 52674 underage individuals.

Source Investigations

Source Investigations are conducted to investigate alcohol-related motor vehicle accidents that result in death or serious bodily injury and alcohol-related accidents that involve persons under the legal age to possess or consume alcoholic beverages; to discover the source of the alcoholic beverages consumed by the individual or individuals involved in the accident and investigate whether the source of the alcohol violated Massachusetts law. By holding accountable licensed establishments, employees or third party providers that provide alcohol to minors or over serve their patrons, our goal is to see a reduction in the number of licensees selling alcohol to minors and intoxicated patrons – and, ultimately, fewer incidents and crashes in Massachusetts.

In 2014 the Division participated in a pilot program initiated by the National Liquor Law Enforcement Association (NLLEA) and the National Highway Transportation Safety Administration (NHTSA) toward the development of “Source Investigations”. The Division developed standard investigative policies and procedures that address the elements required in these cases; developed communications with state and municipal police departments to establish protocols for notification and initiating timely Source Investigations, as well as a Source Investigation report format for officers at the scene of an accident; developed communications with District Attorney Offices to establish standard protocols for simultaneous criminal and administrative cases; developed a Source Investigation training program for state and municipal police officers and implemented it in this agency’s Law Enforcement Training program. In 2016 three Source investigations were opened.

Illegal Gambling Enforcement

The Enforcement Division conducts enforcement operations to prevent illegal gambling, primarily through the use of electronic video devices, at bars throughout the commonwealth. The Division often receives complaints from individuals whose family members have lost large sums of money in these devices that can be programmed to pay out winnings at a rate as low as 65%. In addition, the Division looks to maintain a level playing field for bar owners. For example, if a bar were profiting \$5000.00 per week from illegal gambling devices, a neighboring bar would have to produce approximately \$50,000.00 per week in sales to be competitive. The Division estimates that each bar that illegally operates these devices, and the vending companies that supply them, garner between \$3,000 and \$10,000 per week. At one bar Investigators uncovered information detailing gambling income of \$1,400,000 with a net profit of \$400,000 annually over a ten year period. In 2016 the Enforcement Division filed illegal gambling charges against 35 bars.

Cooperative Enforcement Operations with Municipal and State Law Enforcement

The Enforcement Division works in cooperation with municipal and state law enforcement agencies in order to obtain optimal enforcement coverage. Most often these efforts are generated through requests for assistance from municipal police chiefs who have problematic licensees in their communities. Further, when a complaint is received at the ABCC, Investigators reach out to police departments to conduct cooperative enforcement operations when feasible.

In 2016 the Division conducted enforcement operations at concert and sports venues in cooperation with municipal, state and county law enforcement agencies, as well as with the assistance of venue management. ABCC enforcement includes area liquor stores prior to the event, parking lot enforcement up until the beginning of the event and then enforcement within the licensed premises. The Division conducted these operations at the Xfinity Center, Gillette Stadium and Fenway Park and the results of this enforcement operation included: 483 minors in possession of alcohol; 45 furnishing alcohol to minors; numerous medical, intoxicated or incapacitated assists as well as the seizure of 116 bottles of alcohol and 151 cases of beer, preventing delivery to approximately 1764 underage individuals.

Training of Municipal and State Law Enforcement

The Enforcement Division works with Massachusetts Police Academies and Municipal Police Departments to train municipal, campus and state law enforcement officers in the enforcement of the Liquor Control Act as well as False Identification and Fraudulent Document detection. This training enhances the prevention of underage drinking and impaired driving by developing police knowledge of and involvement in liquor law enforcement. The Division conducted Training Sessions for 1081 Officers in 2009; 729 Officers in 2010; 601 Officers in 2011; 409 Officers in 2012, 1460 Officers in 2013, 376 Officers in 2014, 487 Officers in 2015 and 304 Officers in 2016.

Illegal Ownership / Control Enforcement

In 2016 the Enforcement Division conducted several investigations into unlawful ownership or control over bars and liquor stores throughout the commonwealth. Investigators endeavor to ensure that licensees have disclosed all persons who have a direct or indirect financial or beneficial interest in a license, and to prevent individuals or organizations from controlling a licensed business for unlawful purposes.

License Application Investigations

In 2016 the Enforcement Division completed approximately 2900 investigations of license applicants.